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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In the Matter of

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Federal Communications Commission
Office of Secretary

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations
(Sierra Vista, Arizona, Tanque Verde, Arizona)

MM Docket No. _____
RM- _____

TO: Secretary, Federal Communications Commission
ATTN: Allocations Branch
Media Bureau

PETITION FOR RULEMAKING

CCR-Sierra Vista IV, LLC ("CCR"), the licensee of FM broadcast station KZMK, Sierra Vista, Arizona, by its attorneys and pursuant to Sections 1.401 and 1.420(i) of the Commission's rules, hereby requests that the Commission institute a rulemaking proceeding to amend Section 73.202(b) of its rules, the FM Table of Allotments, to specify a new city of license for KZMK. CCR requests that Channel 265A at Sierra Vista, Arizona be reallocated to Tanque Verde, Arizona on Channel 265A, at allotment point N.L. 32° 19' 59", W.L. 110° 45' 19".¹ Attached is an Engineering Statement demonstrating that this petition is in full accord with Commission minimum distance separation and City Grade coverage requirements. *See Exhibit 1.*

Grant of the requested channel reallocation would result in a preferential arrangement of allotments as provided in the Commission's change of community procedures. The requested reallocation will provide a first local transmission service to Tanque Verde, Arizona and increase the population served by nearly ten times, from 61,185 within KZMK's current 1mV contour to over 642,935 -- a gain of 581,750. *See Amendment of the Commission's Rules Regarding*

¹ Rule 1.420(i) permits the modification of a station's license to specify a new community of license without allowing competing expressions of interest. *Springfield, TN and Oak Grove, KY*, DA 03-3871 (Dec. 8, 2003).

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Modification of FM and TV Authorizations to Specify a New Community of License, Report & Order, 4 FCC Rcd. 4870 (1989), *reconsideration granted in part, denied in part*, 5 FCC Rcd. 7094 (1990) (hereinafter "*Report & Order*").

The Commission must determine whether KZMK's "proposed amendments to the FM Table of Allotments is in the public interest and is in accord with [the Commission's] statutory mandate to 'make such distributions of licenses and frequencies . . . among the several States and communities as to provide a fair, efficient, and equitable distribution of radio services to each of the same.'" *Parker & Port St. Joe, FL*, 11 FCC Rcd. 1095 (1995), *quoting* 47 USC §307(b). In making this determination, the Commission must "compare the proposed allotment plan to the existing state of the allotments for the communities involved. If the proposed allotment plan would result in a net service benefit for the communities involved (that is, if the plan would result in a preferential arrangement of allotments) [the Commission] will adopt the proposal." *Report & Order*, 4 FCC Rcd. at 4873. In assessing the proposed allotment plan, "[t]he Commission seeks to provide in order of priority: (1) first full-time aural reception service; (2) second full-time aural reception service; (3) first local transmission service; and (4) other public interest factors. Co-equal weight is given to priorities (2) and (3)." *Id* at 4873 & n.8; *Faye & Richard Tuck, Inc.*, 3 FCC Rcd. 5374, 5376 (1988).

The present proposal should be adopted because it will provide Tanque Verde, Arizona with its first local transmission service. In carrying out its Section 307(b) duties, the Commission should "presume that every separate community needs at least one local transmission service." *Parker*, 11 FCC Rcd. at 1095.

Tanque Verde is a community for allocation purposes. Tanque Verde is a Census Designated Place with a population of 16,195 based on the 2000 U.S. Census. *See* Exhibit 2. It is well established that community status is satisfied if a place is either listed in the U.S. Census or is a Census Designated Place. *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88, 101 (1982), *recon. denied*, 56 RR 2d 448 (1984); *Greenwood*,

South Carolina, et al., 2 FCC Rcd. 3583 (1987); and *Essex, New York*, 4 FCC Rcd. 5775 (1989). Not only is Tanque Verde a Census Designated Place, but also it is a community of significant size. It is nearly 20 times larger than Pocono Pines, Pennsylvania, which also is a Census Designated Place and deemed a community by the Commission. Pocono Pines is considered a community for allotment purposes although it is a small community with a population of only 824 persons. See *Bear Creek and Pocono Pines, Pennsylvania*, 12 FCC Rcd. 10489, para. 6 (1997).

Tanque Verde is not part of an urbanized area. The closest urbanized area is Tucson, Arizona. The proposed 70 dBu contour would cover 65.1 sq. km. of the 754.6 sq. km. Tucson urban area, which is 8.6% of the total Tucson urbanized area. This is far less than the 50% threshold.

The reallocation to Tanque Verde, Arizona will also trigger factor four, "other public interest factors," by vastly increasing the number of persons served within the 1m/V contour of KZMK. Operation on Channel 265A at Tanque Verde, Arizona will result in 1.0 mV/m signal coverage of approximately 2,514 square kilometers with 642,935 people. This compares to the current coverage of KZMK of approximately 2,514 square kilometers and 61,185 people, a net gain in service to 581,750 people.² See Engineering Statement.

The proposed change of city of license for KZMK will not cause Sierra Vista, Arizona to lose its only local transmission service. There are currently two commercial FM stations and two AM stations licensed to Sierra Vista.³ Therefore, even with the KZMK move to Tanque Verde, there will remain three stations licensed to Sierra Vista, Arizona. The community is also well served. Even without taking into account AM service, Sierra Vista and the vast majority of the service area is served by five or more services and no area is served with fewer than four

² Since there is no overlap between the 60 dBu Tanque Verde contour and the present 60 dBu contour of KZMK, the proposed move will result in a loss of service to 2,514 sq. km. and 61,185 people.

³ KTAN, KNXN, KZMK and KKYX.

services. *See LaGrange and Rollingwood, Texas*, 10 FCC Rcd. 3337 (1995). Accordingly, the community of Sierra Vista will not be deprived of its only local transmission service and will remain well-served.

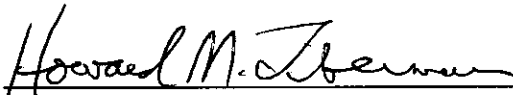
The following is a summary of the proposed changes to the FM Table of Allotments, 73.202(b)(1):

COMMUNITY	PRESENT	PROPOSED
Sierra Vista, AZ	265A	
Tanque Verde, AZ	-----	265A

CCR certifies that if this Petition for Rulemaking is granted, it will promptly apply to specify a new transmitter site for the modified operation of KZMK to serve Tanque Verde, Arizona, and will expeditiously construct the facilities.

Respectfully submitted,

CCR-SIERRA VISTA IV, LLC

By: 
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June 8, 2005

DC532198\1

ENGINEERING STATEMENT
IN SUPPORT OF PETITION FOR RULEMAKING
AMENDMENT OF THE FM TABLE OF ALLOTMENTS
SIERRA VISTA, ARIZONA AND TANQUE VERDE, ARIZONA

JUNE 2005

SUMMARY

The following engineering statement has been prepared on behalf of CCR - Sierra Vista IV, LLC ("CCR"), licensee of Class A FM broadcast station KZMK, Sierra Vista, Arizona. CCR proposes to amend the Table of Allotments as follows:

<u>City</u>	<u>Channel</u>	
	<u>Existing</u>	<u>Proposed</u>
Sierra Vista, Arizona	CH 265A	-
Tanque Verde, Arizona	-	CH 265A

ALLOCATION

This petition is based on the Commission's Rules which allow for the amendment of the Table of Allotments where the amended allotment would occur on a mutually exclusive co or adjacent channel. In this case, the proposed allotment for Channel 265A at Tanque Verde, Arizona is short spaced to the allotment coordinates for Channel 265A at Sierra Vista, Arizona as shown on Table I, attached.

Table I is an allocation study demonstrating that Channel 265A can be allocated to Tanque Verde, Arizona without any additional changes to the Table of Allotments. The proposed allotment coordinates and city reference coordinates are specified below:

	<u>Coordinates</u>	<u>Distance - kM</u>
CH 265A Allotment	N.L. 32° 19' 59" W.L. 110° 45' 19"	0
Tanque Verde, Arizona	N.L. 32° 15' 06" W.L. 110° 44' 12"	9.2 kilometers

COMMUNITY DATA

Tanque Verde is located in Pima County, Arizona. The 2000 U.S. Census population for Pima County is 843,746 persons, while the 2000 U.S. Census for Tanque Verde is 16,195 persons. This compares to Sierra Vista, Arizona which had a 2000 Census population of 37,775 persons and is located in Cochise County with a 2000 Census population of 117,755 persons. Sierra Vista, Arizona currently has four local aural outlets while Tanque Verde has no local service. Facilities licensed to Sierra Vista, Arizona are:

KTAN	1420 kHz	0.5/1.5 kW DA-N
KNXN	1470 kHz	2.5 kW ND-D
KZMK	100.9 MHz	Class A
KKYZ	101.7 MHz	Class C2

Tanque Verde is not a part of an urbanized area. The closest urbanized area is Tucson, Arizona based on Figure 1, attached. The Tanque Verde, Arizona 70 dBu allotment contour would cover 65.1 square kilometers of the 754.6 square kilometer Tucson urban area which is equal to 8.6% of Tucson urban area. The area has been calculated by digitizing the boundary into a polygon and then calculating the area of the polygon.

COVERAGE AREA

Figure 2 is a map depicting the 70 dBu and 60 dBu contours for a 6 kW @ 100 m HAAT full Class A facility at the proposed reference coordinates. The proposed reference coordinates are located 9.2 kilometers from the city reference coordinates which is well within the 16.2 kilometer nominal reference distance for a 70 dBu contour for 6 kW @ 100 m HAAT. Therefore, the proposed allotment coordinates will provide greater than 70 dBu coverage for all of Tanque Verde, Arizona.

GAINS AND LOSSES

The proposed amendment to the Table of Allotments proposes allotment coordinates 98.4 km from the Channel 265A allotment coordinates for Sierra Vista, Arizona. There is no overlap between the 60 dBu Tanque Verde contour for the proposed Channel 265A allotment for Tanque Verde, Arizona and the present allotment 60 dBu contour for Channel 265A at Sierra Vista, Arizona, based on allotment facilities

which are evaluated for a constant radii. The gain area will encompass an area of 2,514.3 square kilometers and a 2000 Census population of 642,935 persons when compared to the current Channel 265A allotment which encompasses an area of 2,514.3 square kilometers and a 2000 Census population of 61,185 persons.

Figure 3 depicts the Tanque Verde and Sierra Vista allotment contours.

The entire area within the KZMK Sierra Vista allotment 60 dBu receives a minimum of four aural services as depicted on Map Figure 4, attached. Stations considered in this study are listed below:

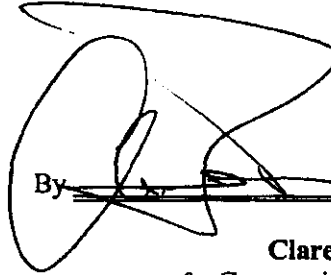
FM Facilities - 60, 57 or 54 dBu per Class

KZMK	100.9 MHz	Class A	Sierra Vista, AZ
XHCNEFM	104.7 MHz	Class B	Cananea, SO, MX
XHSNFM	106.7 MHz	Class C	Nogales, SO, MX
XHQTFM	102.7 MHz	Class B	Nogales, SO, MX
KKYZ	101.7 MHz	Class C2	Sierra Vista, AZ
XHNESFM	105.9 MHz	Class C	Nogales, SO, MX
XHNIFM	105.1 MHz	Class B	Nogales, SO, MX
KRDX	98.5 MHz	Class A	Vail, AZ
XHRZFM	103.5 MHz	Class B	Nogales, SO, MX
KAVV	97.7 MHz	Class A	Benson, AZ
XHNGSFM	96.7 MHz	Class B	Nogales, SO, MX
XHSCAFM	93.3 MHz	Class C	Cananea, SO, MX
KFMA	92.1 MHz	Class C2	Green Valley, AZ
KCDQ	95.3 MHz	Class C0	Tombstone, AZ
XHSAP-FM	98.5 MHz	Class B	Agua Prieta, SO, MX
KWRB	90.9 MHz	Class C2	Bisbee, AZ

CONCLUSION

The proposed deletion of Channel 265A at Sierra Vista, Arizona and the proposed addition of Channel 265 at Tanque Verde, Arizona is believed to comply with all applicable FCC allocation Rules and Policies and will result in a new first local service to Tanque Verde, Arizona while retaining four local services in Sierra Vista, Arizona.

The foregoing was prepared on behalf of **CCR - Sierra Vista IV, LLC** by Clarence M. Beverage of *Communications Technologies, Inc.*, Marlton, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The statements herein are true and correct of his own knowledge, except such statements made on information and belief, and as to these statements he believes them to be true and correct.

By  _____

Clarence M. Beverage
for Communications Technologies, Inc.
Marlton, New Jersey

SUBSCRIBED AND SWORN TO before me,

this 1st day of June, 2005,

Esther G. Sperbeck, NOTARY PUBLIC

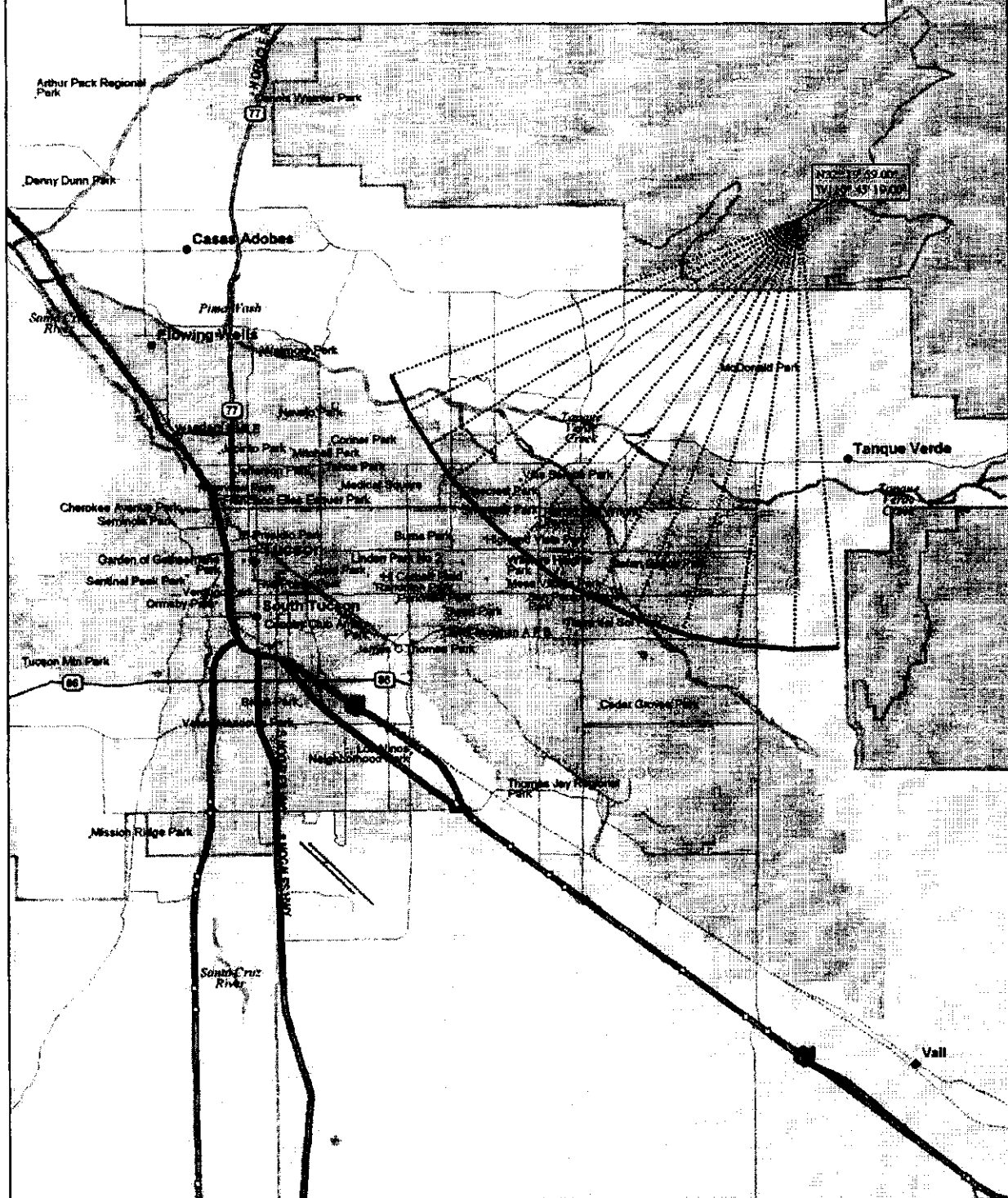
ESTHER G. SPERBECK
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TABLE I
SECTION 73.207 ALLOCATION STUDY
PETITION FOR RULEMAKING
CH 265A TANQUE VERDE, ARIZONA
MAY 25, 2005

Search of channel 265 (100.9 MHz Class A) at 32-19-59.0 N, 110-45-19.0 W.

CALL	CITY	ST CHN CL	DIST	SEP	BRNG	CLEARANCE
KZMK	SIERRA VISTA	AZ 265 A	98.35	115.00	152.5	-16.6
	SASABE	SO 266 B	121.82	105.00	218.0	16.8
	CORONA DE TUSCON	AZ 267 C3	42.14	42.00	172.1	0.1
KSLX-FM	SCOTTSDALE	AZ 264 C	165.08	165.00	312.6	0.1
KKYZ	CORONA DE TUCSON	AZ 267 C3	46.44	42.00	165.6	4.4
KMRR	GLOBE	AZ 262 C	106.59	95.00	354.5	11.6
KJIK	DUNCAN	AZ 264 C1	147.97	133.00	64.9	15.0

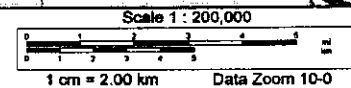
**FIGURE 1 TUCSON URBAN AREA - U.S. CENSUS
IN RELATION TO PROPOSED 70 dBu**



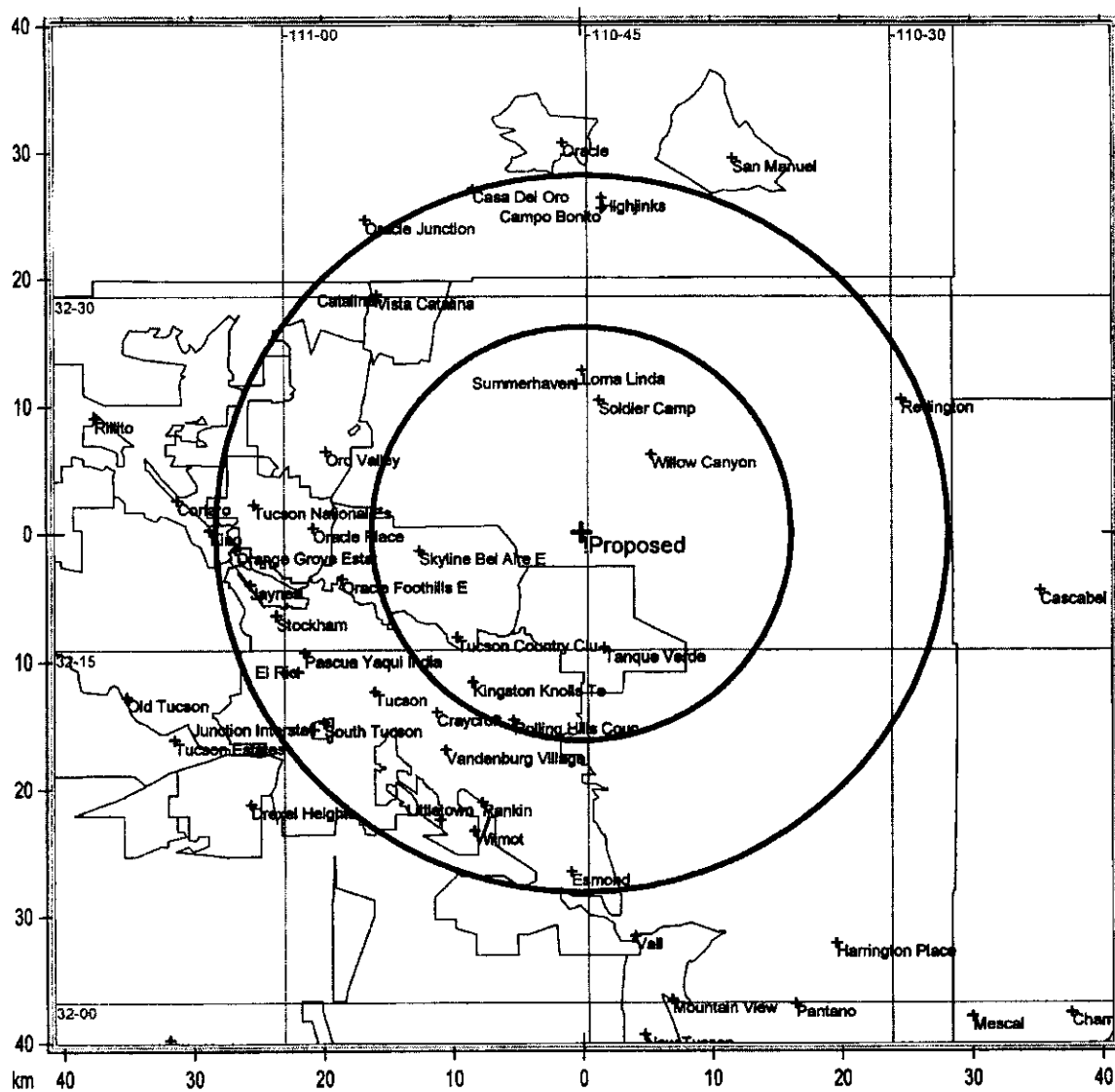
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CH 265A 6 kW @ 100 M HAAT TANQUE VERDE, AZ



Communications Technologies, Inc. Marlton, New Jersey

County Borders City Borders Lat/Lon Grid

Map Scale: 1:500000 1 cm = 5.00 km V/H Size: 80.15 x 81.49 km

Figure 2

The map displays the Tucson area with a grid of latitude and longitude coordinates. The proposed RZMK site is marked with a large circle in the upper left quadrant. Another large circle highlights the RZMK site in the lower right quadrant. The map includes labels for various locations, including Red Rock, Oracle Junction, Casa Del Oro, San Manuel, Bonita, Turkey Flat, Sunset, Bradberry, Hookers Hot Spring, Raso, Wilcox, Johnson, Cochise, Manzano, Dragon, Kansas, Black Diamond, Courtland, Gleason, Benson Junction, Tombstone, Charleston, Huachuca City, Lewis Springs, Sierra Vista, Cavalry Park, Ramona, Bledsoe, Hereford, Stark, Paul Spahr, Forney, Neco, Bridge, Babes, Riley's El Endinar, Washington Camp, Lochiel, Kino Springs, Nogales, Guevavi Mission, Rio Nilo, Casa Piedra, Old Glory, Ruby, Oro Blanco, Arivaca, Otero, Tubac, Sores Crossing, Altos, Tucson, Rolling Hills Coun, Solvo, Franklin, Drexel Heights, Green Valley, Twin Buttes, San Xavier, Duval, Sahuarita, Corona De Tucson, New Tucson, Pantano, Mesquite, Whetstone, Pomerene, Tully, Arizona Sun Sites, Escalante Crossing, Saint David, Curtis, Benson, Sibyl, and Escalante Crossing. The map also shows the boundaries of Santa Cruz and Cochise counties.

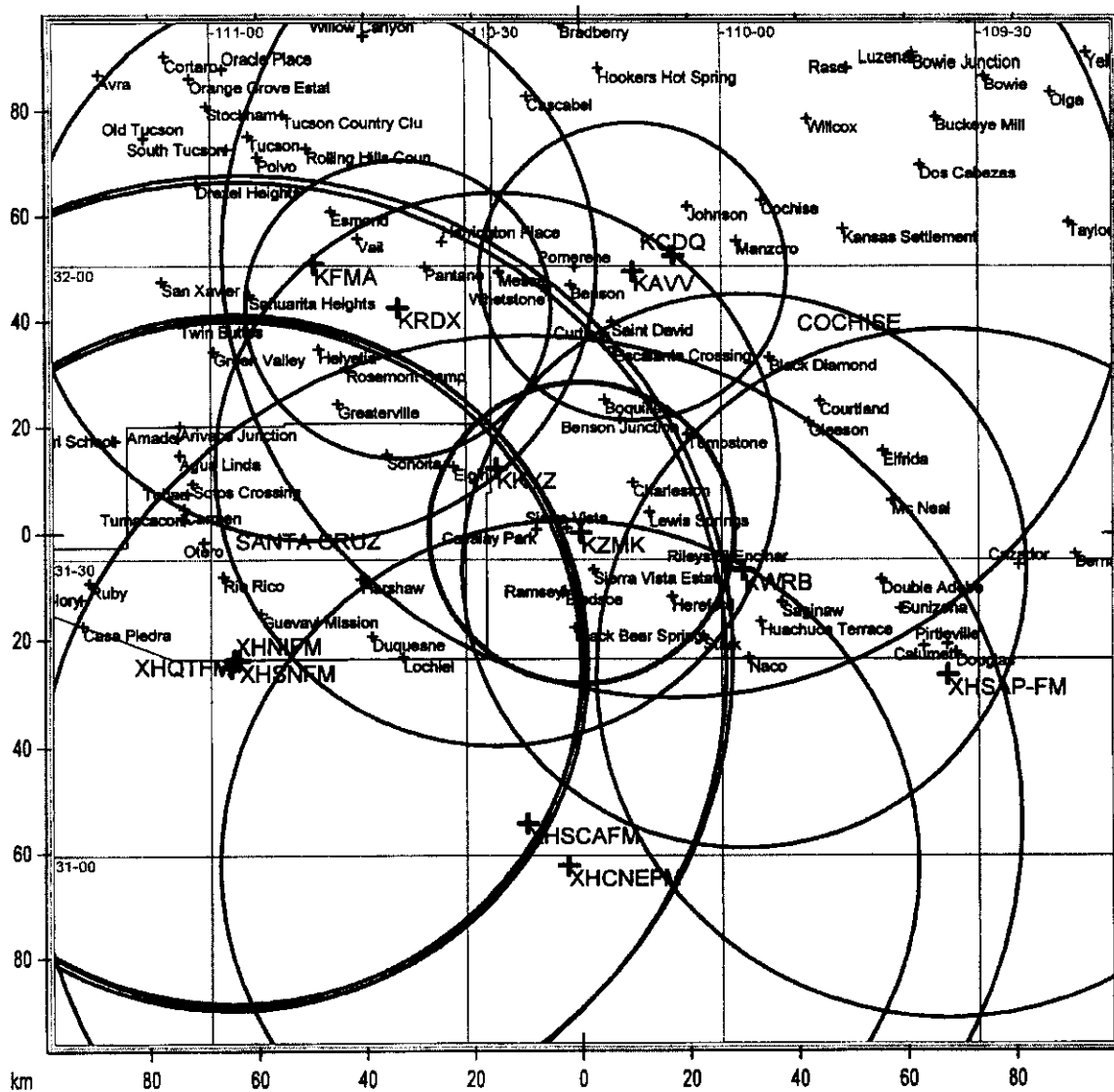
Communications Technologies, Inc. Marlton, New Jersey

 County Borders
 City Borders
 Lat/Lon Grid

Map Scale: 1:1000000 1 cm = 10.00 km V/H Size: 160.30 x 162.99 km

Figure 3

CH 265A SIERRA VISTA, AZ = GREEN OTHER FM 60 dBu = BLUE OTHER FM 54 dBu = RED

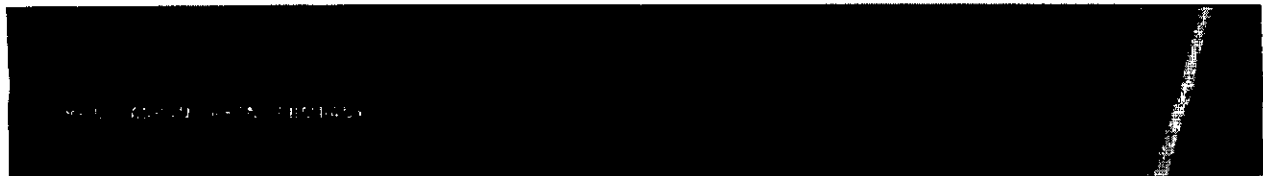


Communications Technologies, Inc. Marlton, New Jersey

County Borders Lat/Lon Grid

Map Scale: 1:1200000 1 cm = 12.00 km V/H Size: 192.36 x 195.59 km

Figure 4



Tanque Verde, Arizona

[Categories: Census-designated places in Arizona, Pima County, Arizona]

Tanque Verde is a census-designated place located in Pima County, Arizona. As of the 2000 census, the CDP had a total population of 16,195.

Geography

Tanque Verde is located at 32° 16'17" North, 110°45'6" West (32.271523, -110.751747)¹.

According to the United States Census Bureau, the CDP has a total area of 85.1 km² (32.9 mi²). 85.1 km² (32.9 mi²) of it is land and none of it is covered by water.

Demographics

As of the census² of 2000, there are 16,195 people, 5,810 households, and 4,903 families residing in the CDP. The population density is 190.2/km² (492.7/mi²). There are 6,056 housing units at an average density of 71.1/km² (184.3/mi²). The racial makeup of the CDP is 94.28% White, 0.70% Black or African American, 0.56% Native American, 1.30% Asian, 0.11% Pacific Islander, 1.36% from other races, and 1.69% from two or more races. 7.29% of the population are Hispanic or Latino of any race.

There are 5,810 households out of which 35.2% have children under the age of 18 living with them, 76.3% are married couples living together, 5.5% have a female householder with no husband present, and 15.6% are non-families. 12.2% of all households are made up of individuals and 4.0% have someone living alone who is 65 years of age or older. The average

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household size is 2.77 and the average family size is 3.01.

In the CDP the population is spread out with 25.3% under the age of 18, 4.9% from 18 to 24, 22.7% from 25 to 44, 35.1% from 45 to 64, and 12.0% who are 65 years of age or older. The median age is 44 years. For every 100 females there are 101.0 males. For every 100 females age 18 and over, there are 97.9 males.

The median income for a household in the CDP is \$80,530, and the median income for a family is \$84,228. Males have a median income of \$60,257 versus \$35,356 for females. The per capita income for the CDP is \$36,467. 2.4% of the population and 1.5% of families are below the poverty line. Out of the total population, 1.6% of those under the age of 18 and 3.3% of those 65 and older are living below the poverty line.

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